

April 22, 2002

Docket Clerk
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: R01-08-028: TRC update, insurance, and license documentation for XENERGY's EEGOV Program (144-A) and Comprehensive Compressed Air Program (202-A)

Enclosed for filing by the Commission are the original and five copies of a document entitled "Insurance and License Documentation for XENERGY's EEGOV Program (144-A) and Comprehensive Compressed Air Program (202-A)." This document contains a certificate of insurance for XENERGY and Brown and Caldwell, our primary subcontractor for the wastewater portion of the EEGOV program. In addition, copies of XENERGY's business licenses and Brown and Caldwell general contractor licenses are included. XENERGY's comments on the bonding requirements were filed with the commission on April 19, 2002.

Also enclosed are electronic copies of the revised TRC spreadsheets and supporting budget information for each of the XENERGY program elements. XENERGY provided detailed supporting documentation for all energy savings assumptions used to produce the TRC values in our initial proposal. Please let us know if the CPUC has any additional specific requirements for supporting documentation.

We request that a copy of this document be file-stamped and returned for our records. A copy of the document and a self-addressed and stamped envelope are enclosed for your convenience. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "R. S. Barnes", with a stylized flourish at the end.

Richard S. Barnes
XENERGY, Inc.
492 Ninth St., Suite 220
Oakland, CA 94607
510-891-0446

CERTIFICATE OF SERVICE

I, the undersigned, state that I am a citizen of the United States and am employed in the City of Oakland and County of Alameda; that I am over the age of eighteen (18) years; and that my business address is XENERGY, Inc., 492 Ninth St., Suite 220, Oakland CA 94607.

On the 22th day of April 2002, I served a signed original copy and five additional copies of a document entitled:

“Insurance and License Documentation for XENERGY’s EEGOV Program (144-A) and Comprehensive Compressed Air Program (202-A)”

via courier service to the Docket Office, with a copy to ALJ Thomas and Commissioner Lynch, and via electronic mail to those same parties and all other parties on the service list of this proceeding.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 22th day of April 2002.

A handwritten signature in black ink, appearing to read 'RQB' followed by a stylized flourish.

Richard S. Barnes

Cc: Assigned Commissioner Loretta Lynch
Administrative Law Judge Sara Thomas
All parties of record R.01-08-028

Service has been made electronically to the following service list:

sesco-lf@att.net, kmccrea@sablaw.com, darrell@iwfa.com, jimross@r-c-s-inc.com, richhogan@hotmail.com, wally.kolberg@swgas.com, ed.gieseeking@swgas.com, andy.bettwy@swgas.com, ckmitche@power.net, dnorris@sppc.com, jwhargrove@sppc.com, ceaston@sempra.com, pfeffer@scag.ca.gov, reflectormike@earthlink.net, wallis@winegardenergy.com, arago@csi.com, laura.larks@sce.com, rsperberg@onsitenergy.com, kkam@sdenergy.org, vthompson@sempra.com, mmoore@sempra.com, powerlogic@abac.com, Robsharp1@aol.com, cornstark1@aol.com, kmckenna@ambag.org, cal.broomhead@sfgov.org, marcel@turn.org, r0108028@cpuc.ca.gov, jes@cpuc.ca.gov, joe_como@ci.sf.ca.us, srovetti@puc.sf.ca.us, ek@a-klaw.com, jlondon@gralegal.com, mmccormick@gralegal.com, pmiller@nrdc.org, rbm4@pge.com, jhamrin@resource-solutions.org, shallenbgr@aol.com, gpeter@mncee.org, vfooster@cadvision.com, ted@energy-solution.com, donlink@jps.net, dacusjr@pacbell.net, mrufo@xenergy.com, twombly@kw-engineering.com, jkelly@citizen.org, mrw@mrwassoc.com, pjpowerlaw@aol.com, swentworth@oaklandnet.com, bgwem@igc.org, carey.hamilton@ci.sj.ca.us, mike@comfortwise.com, rlw@rlw.com, springer@davisenergy.com, westdakota@aol.com, laurie_ramirez@dca.ca.gov, bob.burt@macnexus.org, rob@comfortwise.com, lmh@eslawfirm.com, jtchera@energy.state.ca.us, glynnisjones@earthlink.net, kmills@cbbf.com, mpa@a-klaw.com, dan@meek.net, tom@ucons.com, dws@keywaycorp.com, craigm@ensave.com, reknuj@aol.com, jlb@anyserda.org, tdavis5128@aol.com, jdrivera@drintl.com, rutledgev@publicfm.com, martha.davis@appl.qe.com, julie_a_white@email.whirlpool.com, staples@staples-ad.com, staples@staples-ad.com, sstrom@mncee.org, jcameron@arcainc.com, william.dalton@xcelenergy.com, dfrey@archenergy.com, fspasaro@socalgas.com, bgroch@greentechenergy.com, susan-munves@santa-monica.org, susan-munves@santa-monica.org, dinalane@gte.net, daniel.f.duran@saic.com, thamilton@cheers.org, michaelgibbs@icfconsulting.com, dinalane@gte.net, marketing@light-star.org, don.arambula@sce.com, ipena@ecosconsulting.com, moore@ecosconsulting.com, kswitzer@scwater.com, rpustinger@rpmsolutions.org, ercaldwell@maacproject.org, jbroyles@connectnet.com, dale.foster@ttemi.com, jyamagata@sempra.com, mshames@ucan.org, gsanchez@rhainc.com, jon@vpideas.com, ywhiting@sdge.com, neilmiller@earthlink.net, jsynasio@us-power.com, sthigpen@drintl.com, donpedro1@earthlink.net, jlcrafft@earthlink.net, bob.belhumeur@honeywell.com, tflanigan@energycoalition.org, toca@utility-savings.com, dwylie@aswengineering.com, johnt@blueowltechnologies.com, ltgwiz@msn.com, dale@betterbuildings.com, abrice@rhainc.com, kristine@rhainc.com, dkeyes@rhainc.com, lcasentini@drintl.com, ann_kelly@ci.sf.ca.us, jpeck@sempra.com, rachel@ceert.org, jcl@cpuc.ca.gov, rg1@cpuc.ca.gov, cmurley@gralegal.com, mivp@chevron.com, luluw@newsdata.com, akhan@imt.org, mtirpak@icfconsulting.com, renee_fernandez@emcorgroup.com, vjensen@icfconsulting.com, jimflanigan@iname.com, slwb@pge.com, barbara@rhainc.com, tnicotre@slb.com, ashish@insyncinfo.com, kgarbesi@csu Hayward.edu, krfloyd1@hotmail.com, rknight@bki.com, bfoster@gepllc.com, gephq@gepllc.com, rmowris@earthlink.net, etlowe@aol.com, misuriello@attbi.com, Jaybhalla@aol.com, traynor@tmarshall.com, msutter@alamedanet.net, bmast@frontierassoc.com, jerry@abag.ca.gov, kcorfee@xenergy.com, fountain@dnai.com, rsflood@mindspring.com, sschiller@nexant.com, rschmidt@bartlells.com, drebello@qcworld.com, eparker@qcworld.com, ned2@ci.berkeley.ca.us, smecum@qcworld.com, craigtyler@attbi.com, rdcaughron@earthlink.net, elvine@lbl.gov, mwbeck@lbl.gov, rwwilson@lbl.gov, irina@ideasarecheap.com, john@proctoreng.com, john@proctoreng.com, dbleakly@peakstar.com, jna@speakeasy.org, timrosenfeld@earthlink.net, tconlon@geopraxis.com, rita@ritanortonconsulting.com, emahlon@ecoact.org, joseph.leung@gsa.co.santa-clara.ca.us, Vicki.Swank@gsa.co.santa-clara.ca.us, sam.driggers@ci.stockton.ca.us, terryhughes@afo.net, rascott@atdial.net, BillM@soldata.com, KNittler@aol.com, billknox@dcn.davis.ca.us, mjberrm@davisenergy.com, rmccann@cal.net, info@aees.org, blaising@braunlegal.com, dmahone@h-m-g.com, andy@salasobrine.com,

kcann@navigantconsulting.com, lindam@rcrcnet.org, dreynolds@aspensys.com, lynch@sl.net, pstoner@lgc.org, rnaylor@nmgovlaw.com, fdeleon@energy.state.ca.us, TMichel@egia.com, dick@adm-energy.com, talereza@adm-energy.com, karen@klindh.com, jparks@smud.org, pwelker@peci.org, pfreedman@ecosconsulting.com, Ulrike_Mengelberg@pgn.com, john_mclain@pgn.com, carel.dewinkel@state.or.us, tom@ucons.com, bwildman@sbwconsulting.com, rbordner@emi1.com, MADUNHAM17@aol.com, rknecht@puc.state.nv.us, mer@cpuc.ca.gov, ru4@cpuc.ca.gov, ctd@cpuc.ca.gov, dmb@cpuc.ca.gov, dsh@cpuc.ca.gov, dlw@cpuc.ca.gov, ewk@cpuc.ca.gov, jf2@cpuc.ca.gov, ska@cpuc.ca.gov, raw@cpuc.ca.gov, srt@cpuc.ca.gov, smo@cpuc.ca.gov, sfh@cpuc.ca.gov, zap@cpuc.ca.gov, tdh@cpuc.ca.gov, ztc@cpuc.ca.gov, agarcia@energy.state.ca.us, asowell@scsa.ca.gov, asowell@scsa.ca.gov, dks@cpuc.ca.gov, gene.varanini@dgs.ca.gov, mmesseng@energy.state.ca.us, taryn_smith@dca.ca.gov.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the
Commission's Future Energy Efficiency Policies,
Administration and Programs.

R.01-08-028,
Filed August 23, 2001

**TRC Update, Insurance and License Documentation for XENERGY's
EEGOV Program (144-A) and Comprehensive Compressed Air Program (202-A)**

Comment dated
April 22, 2002

Submitted by

Richard S. Barnes
XENERGY, Inc.
492 Ninth St., Suite 220
Oakland, CA 94607
510-891-0446

State of California



SECRETARY OF STATE CERTIFICATE OF STATUS FOREIGN CORPORATION

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That on the **7th day of December, 1984**, **XENERGY INC.**, a corporation organized and existing under the laws of **Massachusetts**, complied with the requirements of California law in effect on that date for the purpose of qualifying to transact intrastate business in this State; and

That the above corporation is entitled to transact intrastate business in the State of California as of the date of this certificate, however, subject to any licensing requirements otherwise imposed by the laws of this State; and

That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this
certificate and affix the Great Seal
of the State of California this day
of October 11, 2001.



Bill Jones
BILL JONES
Secretary of State

ch

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
11/15/2001

PRODUCER

Serial # A1132

CHARTER INSURANCE & CONSULTING, INC.
6100 LAKE FORREST DRIVE, STE. 410
ATLANTA, GA 30328

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

XENERGY, INC.
3 BURLINGTON WOODS
BURLINGTON, MA 01803

INSURER A: HARTFORD INSURANCE GROUP
INSURER B: NATIONAL UNION FIRE INSURANCE CO.
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|-------------|--|---------------|-------------------------------------|--------------------------------------|--|
| A | GENERAL LIABILITY | 20 UUN UW8509 | 10/31/01 | 10/31/02 | EACH OCCURRENCE \$ 1,000,000 |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | FIRE DAMAGE (Any one fire) \$ 300,000 |
| | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | | | | MED EXP (Any one person) \$ 10,000 |
| | <input checked="" type="checkbox"/> BLANKET CONTRACTUAL | | | | PERSONAL & ADV INJURY \$ 1,000,000 |
| | | | | | GENERAL AGGREGATE \$ 2,000,000 |
| | | | | | PRODUCTS - COMPOP AGG \$ 1,000,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | |
| A | AUTOMOBILE LIABILITY | 20 UUN UW8509 | 10/31/01 | 10/31/02 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 |
| | <input checked="" type="checkbox"/> ANY AUTO | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | | | | BODILY INJURY (Per accident) \$ |
| | <input type="checkbox"/> SCHEDULED AUTOS | | | | PROPERTY DAMAGE (Per accident) \$ |
| | <input checked="" type="checkbox"/> HIRED AUTOS | | | | |
| | <input checked="" type="checkbox"/> NON-OWNED AUTOS | | | | |
| | GARAGE LIABILITY | | | | AUTO ONLY - EA ACCIDENT \$ |
| | <input type="checkbox"/> ANY AUTO | | | | OTHER THAN EA ACC \$ |
| | | | | | AUTO ONLY: AGG \$ |
| B | EXCESS LIABILITY | BE 1370705 | 10/31/01 | 10/31/02 | EACH OCCURRENCE \$ 5,000,000 |
| | <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE | | | | AGGREGATE \$ 5,000,000 |
| | | | | | \$ |
| | DEDUCTIBLE | | | | \$ |
| | RETENTION \$ | | | | \$ |
| A | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | 20 WB GB7891 | 10/31/01 | 10/31/02 | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER |
| | | | | | E.L. EACH ACCIDENT \$ 500,000 |
| | | | | | E.L. DISEASE - EA EMPLOYEE \$ 500,000 |
| | | | | | E.L. DISEASE - POLICY LIMIT \$ 500,000 |
| A | OTHER | 20 UUN UW8509 | 10/31/01 | 10/31/02 | \$828,000 BLANKET PROPERTY |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER

☒

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

FOR INFORMATION PURPOSES ONLY

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

James A. Bradley

POST IN A
CONSPICUOUS
PLACE

BUSINESS TAX CERTIFICATE

CITY OF OAKLAND

The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other department of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental agency.



EXPIRES

PLEASE READ REVERSE SIDE

EXPIRES: DECEMBER 31, 2002

ACCOUNT NUMBER

207608

BUSINESS NAME

XENERGY INC

ADDRESS

492 9TH ST

220

OAKLAND

CA 94607 - 4055

KIND OF BUSINESS

MANAGEMENT, CONSULTING & PUBLIC RELATIONS

**YOU MAY BE REQUIRED TO OBTAIN A VALID ZONING CLEARANCE TO OPERATE
YOUR BUSINESS LEGALLY. RENTAL OF REAL PROPERTY EXCLUDED.**

Certificate of Insurance

| | |
|---|--|
| Agency Name and Address: Professional Practice Insurance Brokers 10 California Street Redwood City, CA 94063 (650) 369-5900 | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED THE POLICIES LISTED BELOW. |
| Insured's Name and Address: BROWN AND CALDWELL AND ITS WHOLLY OWNED SUBSIDIARIES AND AFFILIATES 201 North Civic Drive Walnut Creek, CA 94596 | Companies Affording Coverage Company A: GREENWICH INSURANCE COMPANY (A+ XV) Company B: GREENWICH INSURANCE COMPANY (A+ XV) Company C: Company D: XL SPECIALTY INSURANCE COMPANY (A+ XV) Company E: GREENWICH INSURANCE COMPANY (A+ XV) Company F: |

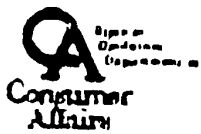
COVERAGES. THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY BE REQUIRED, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

| CO. LTR. | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFEC. DATE | POLICY EXPIR. DATE | COVERAGE LIMITS |
|----------|--|---------------|--------------------|--------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> Comm'l. Gen. Liability <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Owner's & Contractors Protective <input type="checkbox"/> | GEC000166201 | 3/26/01 | 3/26/02 | General Aggregate: \$2,000,000 Product/Com/Ops Agg: \$2,000,000 Bodily Inj. & Adv. Inj.: \$1,000,000 Each Occurrence: \$1,000,000 Fire Damage (any one fire): \$1,000,000 |
| B | AUTO LIABILITY <input checked="" type="checkbox"/> Any Automobile <input type="checkbox"/> All owned autos <input type="checkbox"/> Scheduled autos <input type="checkbox"/> Hired autos <input type="checkbox"/> Non-owned autos <input type="checkbox"/> Garage liability <input type="checkbox"/> | AEC000166301 | 3/26/01 | 3/26/02 | Combined Single Limit: \$1,000,000 Bodily Injury (per person) Bodily Injury (per accident) Property Damage |
| C | EXCESS LIABILITY <input type="checkbox"/> Umbrella Form <input type="checkbox"/> Other than Umbrella Form | | | | Each Occurrence: Aggregate: |
| D | WORKERS' COMPENSATION AND EMPLOYERS LIABILITY | WEC000166601 | 3/26/01 | 3/26/02 | Statutory Limits Each Accident: \$1,000,000 Disease/Policy Limit: \$1,000,000 Disease/Employee: \$1,000,000 |
| E | Professional Liability | PEC0000005 | 01/01/00 | 5/31/02 | Per Claim: \$2,000,000 Aggregate: \$2,000,000 |
| F | | | | | |

Description of Operations/Locations/Vehicles/Restrictions/Special Items:

All operations are performed by the Named Insured. With respect to General liability and Auto liability, additional insured status is provided as required by contract.

| | |
|---|--|
| Certificate Holder: FOR INFORMATION ONLY | THE AGGREGATE LIMIT IS THE TOTAL INSURANCE AVAILABLE FOR CLAIMS PRESENTED WITHIN THE POLICY FOR ALL OPERATIONS OF THE INSURED. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY, ITS AGENTS OR REPRESENTATIVES WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT EXCEPT IN THE EVENT OF CANCELLATION FOR NON-PAYMENT OF PREMIUM IN WHICH CASE 10 DAYS NOTICE WILL BE GIVEN. |
| | Authorized Representative: <div style="text-align: right;">03/26/01 bc</div> |



State of California
CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE



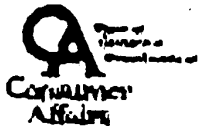
License Number **445796**

Entity **CORP**

Business Name **BROWN AND CALDWELL**

Classification(s) **A HIC**

Expiration Date **09/30/2003**



State of California
CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE



License Number **730831**

Entity **CORP**

Business Name **BROWN AND CALDWELL
CONSTRUCTORS**

Classification(s) **A HAZ HIC**

Expiration Date **12/31/2002**

